

**ORDINANCE NO. 2014-06  
OLD SEABROOK VILLAGE PUD**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEABROOK, APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE 2, "ADMINISTRATION", SECTION 2.05, "OFFICIAL ZONING MAP", BY REZONING APPROXIMATELY 13.81 ACRES, LOTS 1-7, BLOCK 1 AND LOTS 1-7, BLOCK 2 IN THE BAYBROOK SUBDIVISION, SECTION 1 AND 2, TRACTS 1, 2, AND 3, SITUATED IN ABSTRACT 52, OF THE RITSON MORRIS SURVEY, IN SEABROOK, HARRIS COUNTY, TEXAS, LOCATED IMMEDIATELY EAST OF MEYER ROAD AND NORTH OF 1ST STREET, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A," FROM "OS," OLD SEABROOK DISTRICT AND "R-2," SINGLE FAMILY DETACHED RESIDENTIAL DISTRICT (SMALL LOT), TO PLANNED UNIT DEVELOPMENT, "PUD," FOR A MIXED USE SUBDIVISION CONSISTING OF 112 LOTS, 17 BLOCKS, AND 9 RESERVES; PROVIDING FOR AN AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS, OS Village, LLC, applicant and owner, ("Owner") acting by and through its duly authorized representative Mark Caldwell has requested rezoning of property consisting of approximately 13.81 acres generally located immediately east of Meyer Road and north of 1st Street, the same to be a mixed use development and to be referred to as "Old Seabrook Village," consisting of 112 Lots, 17 Blocks and 9 Reserves legally described as Lots 1-7, Block 1 and Lots 1-7, Block 2 in the Baybrook Subdivision, Section 1 and Tracts 1, 2 and 3 situated in Abstract 52 of Ritson Morris Survey, in Seabrook, Harris County, Texas being more particularly described by metes and bounds in the attached "Exhibit A", ("Property") which is incorporated by reference for all purposes; and**

**WHEREAS, Applicant has filed an application to rezone the Property from "OS" (Old Seabrook District) and "R-2" (Single Family Detached Residential District – Small Lot to "PUD" (Planned Unit Development) (mixed use) and has submitted a development plan providing for raised public streets to an elevation of between 10' and 12' MSL, rear alleys behind most homes at an elevation of 6' to 8' MSL to allow for a rear sloping lot to the back alley for residents to utilize covered garage parking access underneath their homes. as further depicted in site PUD plan ("Plan"), referenced herein as Exhibit "B" which is on file with the City Secretary and incorporated by reference for all purposes; and**

**WHEREAS, the Seabrook Planning and Zoning Commission and the City Council conducted a public hearing to consider approval of the preliminary plan for PUD designation submitted by Applicants, with the Planning and Zoning Commission filing a report recommending approval on November 21, 2013, which was thereafter approved by City**

Council on January 7, 2014 in accordance with the Seabrook Code of Ordinances ("Code"), Appendix A, Section 4.10.06; and

**WHEREAS**, the Seabrook Planning and Zoning Commission and the City Council conducted a joint public hearing to consider approval of the final PUD plan submitted by Applicants, (see Exhibit "B"), with the Planning and Zoning Commission filing a report recommending approval, which was thereafter approved by City Council on February 18, 2014 in accordance with the Code, Appendix "A", Section 4.10.06; and

**WHEREAS**, the subject hearings were duly called as provided by the laws of the State of Texas and Appendix "A" of the Code of Ordinances of the City, and that in such hearing all persons attending were allowed to be heard on the question of whether or not to rezone the Property from OS and R-2 to PUD (mixed use), as requested and as further depicted in the site PUD Plan, Exhibit "B" to determine whether such rezoning would affect the health, safety, convenience, or general welfare of the citizens of Seabrook, and whether or not such change in zoning would violate the rights of any interested person; and

**WHEREAS**, all public notices have been published, mailed and provided in accordance with statute and Appendix "A" of the City Code of Ordinances (Zoning Code); and

**WHEREAS**, as a result of the said public hearings and the recommendation of the Planning and Zoning Commission as contained in its final report, the City Council hereby finds and determines that the proposed amendment to rezone the Property to PUD mixed development in accordance with the submitted Plan as referenced in Exhibit "B" would not be detrimental to the community, and is in conformance with the zoning ordinance and comprehensive plan for development of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:**

#### **SECTION 1. FINDINGS.**

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, it being understood that City Council is relying upon the express representations of Owner appearing in the documents submitted for final approval, including the application for rezoning, oral representations made to the Planning and Zoning Commission and City Council to induce approval of the rezoning made the subject of this Ordinance, the final report from the Planning & Zoning Commission, the minutes of Planning and Zoning/City Council, the property identification, (Exhibit "A") and Plan, (Exhibit "B").

91           **SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE AND TO**  
92 **THE OFFICIAL ZONING MAP.**

93  
94           The Seabrook City Code of Ordinances, Appendix A, "Comprehensive Zoning",  
95 Article 2, "Administration", Section 2.05, "Official Zoning Map" is hereby amended by  
96 rezoning the Property from OS and R-2 to PUD (mixed use) *strictly conditioned upon full*  
97 *and complete compliance with the approved PUD Plan, the regulations, restrictions, and*  
98 *conditions* hereinafter set forth in "Exhibit B", (on file with the City Secretary and  
99 incorporated by reference), for the subject 13.81 acres generally located immediately east of  
100 Meyer Road and north of 1St Street, the same to be a mixed use development and to be  
101 referred to as "Old Seabrook Village," consisting of 101 Lots, 17 Blocks and 9 Reserves  
102 legally described as Lots 1-7, Block I and Lots 1-7, Block 2 in the Baybrook Subdivision,  
103 Section 1 and Tracts 1, 2 and 3 situated in Abstract 52 of Ritson Morris Survey, in Seabrook,  
104 Harris County, Texas; being more particularly described by metes and bounds in the attached  
105 "Exhibit A", which is incorporated by reference for all purposes. The Plan, (Exhibit "B") as  
106 submitted for the first reading of this Ordinance on February 18, 2014, shall be amended to  
107 provide that the uses of "bakers", "dinner theatres", and "coffee shops" shall be permitted as  
108 conditional uses only, and not uses as a matter of right as originally submitted, ("restaurants",  
109 "bars", and "health clubs" already being subject to conditional uses as provided in the subject  
110 Plan).

111  
112           **SECTION 3. AMENDMENT OF ZONING MAP.**

113  
114           The Official Zoning Map of the City of Seabrook shall be revised and amended to  
115 show the designation of the Property, as described and as provided in Section 2 above, with  
116 the appropriate reference thereon to the number and effective date of this Ordinance, and a  
117 brief description of the nature of the change.

118  
119           **SECTION 4. INCORPORATION INTO THE CODE; PENALTY CLAUSE.**

120  
121           This ordinance is hereby incorporated and made a part of the Seabrook City Code.  
122 Violation of this Ordinance is subject to the penalty section of said Code including, Section  
123 11.06, "Criminal Enforcement" which provides that any person who shall violate any  
124 provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction,  
125 shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a  
126 separate offense. Additionally, should the subject PUD project fail to meet the schedule as  
127 approved herein, or otherwise fail to comply with this Ordinance, the PUD Plan, the PUD  
128 classification and all related permits shall be immediately terminated, and the Property shall  
129 return to the zoning that existed immediately prior to the PUD as conditionally approved by  
130 this Ordinance.

131  
132           **SECTION 5. REPEAL OF CONFLICTING ORDINANCES.**

133  
134           All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance  
135 are hereby expressly repealed. This Ordinance shall in no manner amend, change,

supplement, or revise any provision of any ordinance of the City of Seabrook, save and except the change in zoning classification and specific uses/structures approved in the Plan, as provided herein.

#### SECTION 6. SEVERABILITY.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

#### SECTION 7. NOTICE.

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

PASSED AND APPROVED on first reading this 18th day of February, 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading this 4th day of March, 2014.

By: 

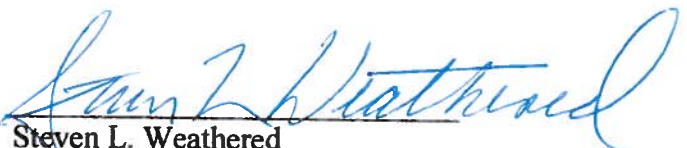
Laura Davis  
Mayor Pro Tem

ATTEST:

By: 

Michele L. Glaser, TRMC  
City Secretary

APPROVED AS TO FORM:

  
Steven L. Weathered  
City Attorney



**Exhibit "A" to Ordinance No. 2014-06**

**The Property – Metes & Bounds  
13.81 acres**

**EXHIBIT A**

**LEGAL DESCRIPTION**

**TRACT I:**

LOTS ONE (1) THROUGH SEVEN (7), BLOCK B AND C AND LOTS ONE (1) AND TWO (2), BLOCK D OF MORRISTOWN, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 34 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

**TRACT II:**

DESCRIPTION OF A 6.0113 ACRE (261,852 SQUARE FOOT) TRACT OF LAND, SITUATED IN THE RITSON MORRIS SURVEY, A-52, HARRIS COUNTY, TEXAS AND BEING SITUATED IN THE TOWN OF SEABROOK, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1 INCH IRON PIPE FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF MEYER AVENUE, THE EASTERLY RIGHT-OF-WAY LINE OF 1ST STREET;

THENCE NORTH 39 DEG. 43 MIN. 23 SEC. EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MEYER AVENUE, A DISTANCE OF 400.00 FEET TO A 1 INCH IRON PIPE FOUND FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND;

THENCE NORTH 39 DEG. 43 MIN. 23 SEC. EAST, CONTINUE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MEYER AVENUE, A DISTANCE OF 318.89 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 49 DEG. 27 MIN. 24 SEC. EAST, A DISTANCE OF 563.21 FEET TO A 5/8 INCH IRON ROD SET IN THE NORTHERLY LINE OF THE SAID MORRISTOWN SUBDIVISION;

THENCE SOUTH 20 DEG. 45 MIN. 00 SEC. WEST, ALONG THE NORTHERLY LINE OF SAID MORRISTOWN SUBDIVISION, A DISTANCE OF 109.00 FEET TO A POINT;

THENCE SOUTH 24 DEG. 47 MIN. 42 SEC. WEST, ALONG THE NORTHERLY LINE OF SAID MORRISTOWN SUBDIVISION, A DISTANCE OF 641.26 FEET TO A POINT;

THENCE NORTH 49 DEG. 21 MIN. 00 SEC. WEST, A DISTANCE OF 199.46 FEET TO A 5/8 INCH IRON ROD SET FOR CORNER;

THENCE NORTH 39 DEG. 00 MIN. 00 SEC. EAST, A DISTANCE OF 156.90 FEET TO A POINT;

THENCE NORTH 24 DEG. 00 MIN. 00 SEC. EAST, A DISTANCE OF 258.09 FEET TO A POINT;

THENCE NORTH 49 DEG. 53 MIN. 26 SEC. WEST, A DISTANCE OF 492.44 FEET TO THE POINT OF BEGINNING, SAVE AND EXCEPT THAT PART OF CONVEYED BY DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER(S) T509698.

NOTE: THIS COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

**TRACT III:**

LOT(S) ONE (1) THROUGH SEVEN (7), BOTH INCLUSIVE, BLOCK ONE (1) AND LOT(S) ONE (1) THROUGH SEVEN (7), BOTH INCLUSIVE, BLOCK TWO (2) OF BAYBROOK SUBDIVISION, SECTION ONE (1), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 87, PAGE 32 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

**“Exhibit B” to Ordinance No. 2014-06**

1. Application for PUD
2. Planned Unit Development Plan (on file with City Secretary)
3. Surveys and Site Plan



# Application for Land Development Permit

**\*\*Incomplete applications cannot be processed\*\***

- ☐ Zoning Change    ☐ Text Change    ☐ Zoning Variance    ☐ Administrative Appeal **APUD**  
☐ Conditional Use Permit    ☐ Subdivision Plat    ☐ Preliminary    ☐ Final    ☐ Amending

## APPLICANT INFORMATION

Check appropriate box(es)

Name: OSVillage, LLC    E-Mail: marc@MARKCALDWELL.com  
Address: 2510 De Four Trace    Fax #: \_\_\_\_\_  
City: Seabrook  
State: TX    ZIP: 77586    Phone: 703-732-3311

Applicant is ☒ Owner of property    ☐ Agent for Owner    ☐ Agent for Purchaser    ☐ Purchaser    ☐ City of Seabrook

If Applicant is acting on behalf of Owner in this application, Owners signature be

Owner(s): \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Owner(s) Mailing address(es):

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Address: \_\_\_\_\_ Name: \_\_\_\_\_  
City: \_\_\_\_\_ Address: \_\_\_\_\_  
State: \_\_\_\_\_ Zip \_\_\_\_\_ City: \_\_\_\_\_  
State: \_\_\_\_\_

**CITY OF SEABROOK**

\*\*\*\* REPRINT RECEIPT \*\*\*\*

RECH: 00554447    10/17/2013    9:36 AM  
OPER: 014    TERM: 020  
REF#: 1053

TRAN: 53.0000    REIMBURSEMENTS  
OSVILLAGE LLC  
BAYBROOK SUBDIVISION SECT 1  
PROF FEES-LEGAL    300.00CR

## PROPERTY INFORMATION

Property Address: BAYBROOK SUBDIVISION, SECTION-1  
Legal Description: Lot (1-7) & (1-7) Block 1 & 2  
Addition \_\_\_\_\_

(You may attach Metes & Bounds description from your \_\_\_\_\_)  
CHANGE: \_\_\_\_\_ 0.00

TENDERED: 300.00 CHECK  
APPLIED: 300.00-

Current Zoning Classification: OLD SEABROOK (Available from Building Department)  
Current Use of Property: UNDEVELOPED (Be specific)

Number of existing Driveways: 1  
General Dimensions of Property: Width: 364' Depth: 895' Land Area: 13.81 Sq. Feet: 601,543 SF Acres: 13.81 ac

Adjoining Uses: North SINGLE FAMILY South MIXED USE  
East SINGLE FAMILY West MIXED USE  
Adjacent Streets: North \_\_\_\_\_ South \_\_\_\_\_  
East \_\_\_\_\_ West \_\_\_\_\_

Is the property served with: City Water? ☒ Yes    ☐ No    City Sewer? ☒ Yes    ☐ No

## OWNER/AGENT AFFIDAVIT

I have read and understand this application. I have familiarized myself with the applicable regulations, ordinances, and procedures and submit this application and accompanying documentation for consideration by the Planning Commission, Board of Adjustment, or the City Council of the city. I certify that I am the legal owner or agent of the Owner and have written or other legal authority to make this application.

Signed: [Signature]    Date: 10/10/13

**ALL FEES MUST BE PAID AT THE TIME APPLICATION IS SUBMITTED  
FEES ARE NON-REFUNDABLE OR TRANSFERABLE**



## SUBDIVISION PLAT

**Subdivision Plat:** Provide the following:

Proposed Name: OLD SEABROOK VILLAGE Total Acres 13.81 AC.  
Total number of Lots: 101 Blocks: 17 Reserves: 9  
Number of sections to be developed: 8  
Name of Headright Survey in which the property is situated: RETSON MORRIS SURVEY  
Abstract Number 52

Attach the following for:

### Preliminary - Final - Amending Plats:

- ☐ Letter of Transmittal of Plat
- ☐ Original Stamped Tax Certificates from both Galveston and Harris County Tax Appraisal Districts\*\*
- ☐ Original Title Certificate no older than 30 days
- ☐ Application Fee

### Preliminary Plat:

- ☐ A digital copy of Preliminary Plat (Adobe Acrobat – PDF Format)
- ☐ 5 copies of Plat (drawn to a minimum scale of 1" = 100", each sheet no larger than 24"x36")
- ☐ A Preliminary Drainage Plan prepared by a Registered Professional Engineer
- ☐ Schematic one line drawing of proposed water, sewer and drainage facilities and lines
- ☐ A topographic survey showing at least two contours at 0.5 foot intervals on the property
- ☐ A distance and tie to a Seabrook Elevation Monument (available from the Building department)

### Final Plat:

- ☐ Original Mylar and 5 copies of the final plat
- ☐ A digital copy of Final Plat (Adobe Acrobat – PDF Format)

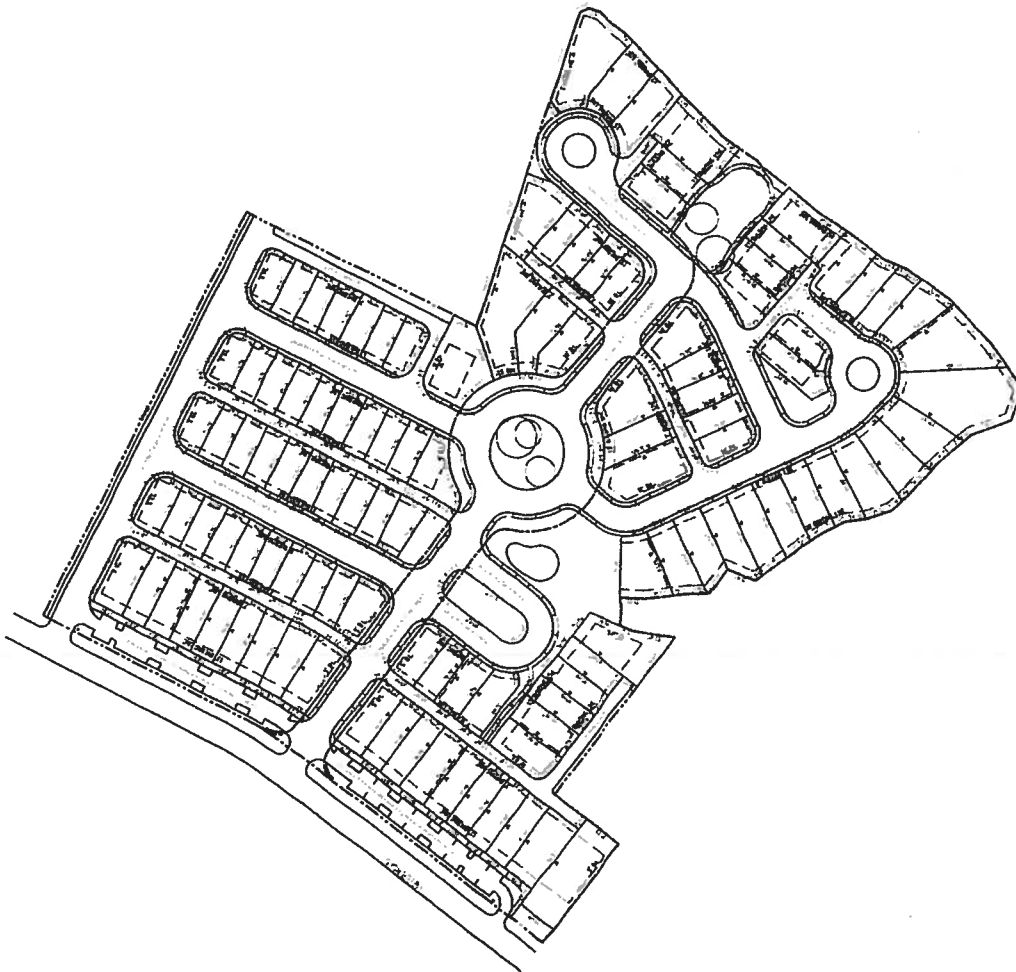
### Amending Plat:

- ☐ Copy of Original Plat (without amendments)
- ☐ Mylar and 5 copies of the amending plat
- ☐ A digital copy of Amending Plat (Adobe Acrobat – PDF Format)

***Please review the requirements in the City Subdivision Ordinance before submitting your Plat.  
Incomplete data will result in significant delays in processing.***

**\*\* Note: Original (Stamped) Tax Certificates from the Clear Creek I.S.D. Tax Office and Harris County Tax Assessor/Collector's Office are required by the Harris County Clerks Office for the recording of all plats.**





DEVELOPMENT SUMMARY	
TOTAL LAND AREA	13.81 Ac
TOTAL PROPOSED LOTS	112
GROSS DENSITY	8.11 Dbl/Ac
PERCENTAGE OF OPEN SPACE	21.09%

OVERALL MASTER PLAN - ALTERNATE DENSITY

OLD SEABROOK VILLAGE PUD

